

Appl. No. 10/717,686
Reply to Advisory Action of 02/16/2006

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REMARKS/ARGUMENTS

In reply to the final Office Action mailed September 22, 2005 and the Advisory Action mailed February 16, 2006, Applicant respectfully requests reconsideration and allowance. In the final Office Action, claims 1-6 and 8 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness and claims 1-6 and 8 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 2,519,150 (the "Ostergaard patent"). Applicant submitted amendments to the claims as Amendment "B" on January 23, 2006. In an Advisory Action, the Examiner indicated that U.S. Patent 4,871,446 (the "Herbst patent") would also be anticipatory or obviating prior art with respect to the claims submitted in Amendment "B". Because it did not put the claims in the application in a condition for allowance, Applicant has withdrawn Amendment "B" and instead submits this Amendment "C" with a Request for Continued Examination. Applicant has amended claim 1 herein and canceled claim 5. Accordingly, claims 1-4, 6 and 8 remain pending in the subject application.

Claim 1 was rejected in the final Office Action for indefiniteness on the basis that it was not clear as to whether Applicant was attempting to recite a Markush group limitation by the language of lines 13-15 of claim 1. Accordingly, Applicant has amended claim 1 to recite "a group consisting of said top edge, said bottom edge and a second imaginary line bifurcating said baffle into equal areas." Applicant respectfully submits that this amendment to claim 1 clarifies the recitation of a Markush group limitation and respectfully requests withdrawal of the rejection for indefiniteness.

Claims 1-6 and 8 were rejected in the final Office Action for obviousness over the Ostergaard patent. The Advisory Action indicates that the Herbst patent may also be anticipatory or obviating art. Applicant has amended claim 1 to include the recitation of claim 5 which was one of the original claims in the application. Claim 5 has been canceled. Claim 1 now recites that an average distance between adjacent openings is smaller in the bottom section of the baffle than in the top section of the baffle. The Herbst patent does not show such an arrangement nor does the Ostergaard patent. No differential spacing is alluded to in these patents.

Although dependent claim 5 was rejected in the final Office Action, no motivation was given for spacing openings in the different sections of the baffles differently. Accordingly, Applicant respectfully submits that the final Office Action does not present a *prima facie* case of obviousness of original claim 5 in conjunction with claim 1.

Applicant additionally submits that there is no motivation in either the Herbst patent or the Ostergaard patent to decrease the average hole spacing in the bottom section of the baffle relative to the top section of the baffle. The baffles are configured in both the Herbst patent and the Ostergaard patent so that the catalyst cascading down the stripping

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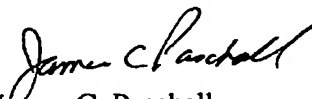
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section will be directed over all of the openings on the baffle to ensure adequate fluidization by gas ascending through the openings. In the Ostergaard patent, the funnel section 10 and the restricted sections 14 direct the catalyst to spill over the location where the openings in the baffles are provided. In the Herbst patent, the imperforate baffle 68 ensures that catalyst is directed to the top of each subjacent baffle 67 where it then spills down over all of the openings before going to the next subjacent imperforate baffle 68. Hence, because the catalyst will be exposed to all of the openings in each baffle, there is no need to change the spacings between openings to ensure adequate fluidization. However, in the configuration of the stripper shown in Figure 2 of the subject application, the design relies on the angular momentum of catalyst spilling off each baffle to ensure that the catalyst lands on a high section of a subjacent baffle. In low catalyst flux applications where there is less catalyst momentum from baffle to baffle, it is unlikely that all of the catalyst will be exposed to openings that are located higher up on each subjacent baffle. Consequently, the inventor of the subject application who discovered this phenomenon biased the openings closer together on the lower section relative to the upper section of each baffle which will encounter less catalyst. Hence, most of the catalyst will land on the section of the baffles where most of the openings are located to ensure adequate fluidization. Because there is no similar need in the stripper design of the Herbst patent or the Ostergaard patent, there would be no motivation to modify the teachings therein to obtain the claimed invention.

Applicant respectfully submits that independent claim 1 is definite and distinct over the Herbst patent and the Ostergaard patent. For at least the same reasons, claims 2-4, 6 and 8 are also distinct over these primarily cited references.

Applicant respectfully requests reconsideration and allowance of all the claims in the subject application. Should the Examiner have any questions regarding this matter, please feel free to contact the undersigned.

Respectfully submitted,


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